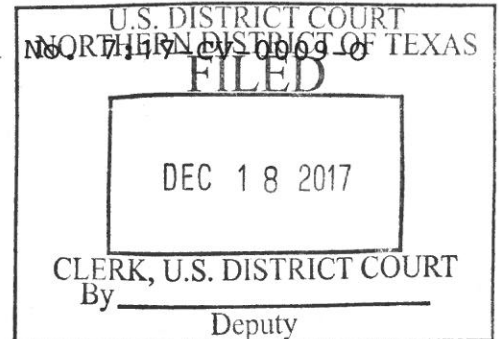


IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

Rhonda Fleming, et al.,)
Plaintiffs,)
)
)
v.)
)
)
United States of America,)
et al.,)
Defendants.)
)
)
)

Civil No. 17-cv-00009-O



VERIFIED MOTION TO INTERVENE, TO LIFT STAY,
AND TO APPOINT COUNSEL

Theresa Martinez and Leslie Garrison hereby move to intervene in the abovementioned matter under Federal Rule of Civil Procedure 24(a) as a matter of right or, alternatively, as permitted under Rule 24(b).

Theresa Martinez (Reg. no. 68361-380) is a twenty-four year-old Hispanic female currently incarcerated at Federal Medical Center ("FMC") Carswell, Fort Worth, Texas, with approximately one (1) year remaining on her federal sentence.

Leslie Garrison (Reg. no. 54154-177) is a thirty-six year-old Caucasian female currently incarcerated at FMC Carswell, Fort Worth, Texas, serving a twelve year (12) federal sentence.

Plaintiff-Intervenors' motion is timely as the case is in the preliminary stages, discovery has not begun, and

no dispositive rulings have been issued by this Court.

Plaintiff-Intervenors claim an interest in this case relating to the Defendants' promulgation and enforcement of rules and regulations that authorize male prison inmates to be housed in the same facilities that house female inmates.

Plaintiff-Intervenors are so situated that the disposition of this action may as a practical matter impair or impede their ability to protect their interest because the original four (4) plaintiffs have been transferred away from FMC Carswell to a facility (FPC Bryan) that does not currently house male inmates. This may result in a settlement agreement that will not include removal of male inmates from FMC Carswell, and, because of this, the existing plaintiffs do not adequately represent the Intervenor-Plaintiffs' interests. In addition, Plaintiff-Intervenors have suffered damages in their own right and should be compensated.

Further, the Plaintiff-Intervenors are indigent and request that counsel be appointed to them as the matter includes complex legal issues of constitutional import.


Lastly, the Plaintiff-Intervenors request that the stay be lifted and Motion for Preliminary Injunction be granted as to the removal of the men from female facilities. Plaintiff-Intervenors do not seek transfer away from the immediate area and would consider such action a

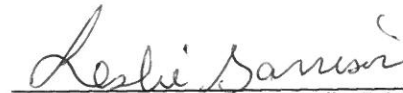
retaliatory act against them for asserting their rights as outlined in the accompanying pleading.

WHEREFORE, for the foregoing reasons, Plaintiff-Intervenors respectfully move this Honorable Court for the relief requested herein, and for such other relief as is deemed just and equitable.

Respectfully submitted:

12/15/17
Date


Theresa Martinez # 68361-380
FMC-Carswell
P.O. Box 27137
Fort Worth, TX 76127


Leslie Garrison # 54154-177
FMC-Carswell
P.O. Box 27137
Fort Worth, TX 76127

Certificate of Service

According to Local Rule and the Federal Rules of Civil Procedure this pro se^{*} pleading is served on all counsel of record when electronically filed in the CM/ECF filing system by the Clerk of Court.


Theresa Martinez


Leslie Garrison

* Pleadings filed with the help of an incarcerated attorney

Verification

I hereby swear, under penalty of perjury, that the foregoing facts are true to the best of my knowledge and ability.

12/15/17
Date


Theresa Martinez

12/15/17
Date


Leslie Garrison

Lisa Biron
FMC Carroll
P.O. Box 27137
Fort Worth, TX 76102



7017 2680 0000 7969 7043

12775-049

U.S. Dist. Court Clerk
Northern Dist. of Texas
1000 Lamar ST
Room 203
Wichita Falls, TX 76301
United States

